

Zoning Request ZC-21-11

Lively Lane CD-4



Summary

Request:	Zoning change from "GC" General Commercial to "CD-4" Character District 4		
Applicant:	LVLVLN, LLC 407 S Stagecoach Trl, Ste. 203 San Marcos, TX 78666	Property Owner:	John David Carson 407 S Stagecoach Trl, Ste. 203 San Marcos, TX 78666

Notification

Application:	6/17/2021	Neighborhood Meeting:	N/A
Published:	6/20/2021	# of Participants	N/A
Posted:	6/18/2021	Personal:	6/17/2021
Response:	None as of the date of this report		

Property Description

Legal Description:	0.98 acres out of Lot 5, Block 1 San Marcos Business Park, Section 2		
Location:	Generally located 750 feet northeast of the Wonder World Dr and Dutton Dr intersection		
Acreage:	0.98 acres	PDD/DA/Other:	N/A
Existing Zoning:	General Commercial	Proposed Zoning:	CD-4
Existing Use:	Vacant	Proposed Use:	Multifamily/Condominium
Existing Occupancy:	N/A	Occupancy:	N/A
Preferred Scenario:	South End Medium Intensity	Proposed Designation:	Same
CONA Neighborhood:	Dunbar	Sector:	1
Utility Capacity:	Adequate	Floodplain:	No
Historic Designation:	N/A	My Historic SMTX Resources Survey	No

Surrounding Area

	Zoning	Existing Land Use	Preferred Scenario
North of Property:	MF-18	SYNC at Purgatory Apartments	South End Medium Intensity
South of Property:	GC	Health Care & Professional Offices	South End Medium Intensity
East of Property:	LI	Elliot Electric Supply & Woods Comfort Systems	South End Medium Intensity
West of Property:	MF-18	SYNC at Purgatory Apartments	South End Medium Intensity

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Staff Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Alternate Approval	<input type="checkbox"/>	Denial
Staff: Will Rugeley, AICP					
Title: Planner			Date: 6/29/2021		

Commission Recommendation

<input checked="" type="checkbox"/>	Approval as Submitted	<input type="checkbox"/>	Approval with Conditions / Alternate	<input type="checkbox"/>	Denial
<p>Speakers in favor or opposed:</p> <ol style="list-style-type: none"> (1) Applicant John David Carson (in favor) (1) Lisa Marie Coppoletta (in opposition) <p>Recommendation from the Planning and Zoning Commission meeting held July 13, 2021: A motion was made by Commissioner Moore, seconded by Commissioner Sambrano, to approve ZC-21-11. The motion carried 8-0.</p> <ul style="list-style-type: none"> For: (8) Chairperson Garber, Commissioner Agnew, Commissioner Costilla, Commissioner McCarty, Commissioner Moore, Commissioner Rand, Commissioner Spell, and Commissioner Sambrano. Against: (0) Absent: (0) <p>Discussion Topics: (a) Housing: The Commission discussed the City's strategic goal of achieving housing options and how this project aligns with that goal. (b) Parking: The Commission wanted to ensure that the project has adequate parking of which 1 space per unit is required; the applicant will meet the requirement and is also providing an additional 25 on-street, striped parking spaces.</p>					

History

The property is currently undeveloped but is contiguous with an existing multifamily/condominium project that was developed by the applicant. The existing project achieved CD-4 zoning approval in October 2019.

Additional Analysis

The request is to re-zone to CD-4, which allows primarily for residential development with limited retail on corner lots. Phase 1 of this development consists of 11 units while this phase is planned to have 18 units. There is an existing public utility easement located along Dutton Drive that will require approval of a variance to allow an additional 3 feet for the primary building setback. That request will be presented to the Zoning Board of Adjustments on July 15th.

Comments from Other Departments

Police	No Comment
Fire	No Comment
Public Services	No Comment
Engineering	No Comment

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Evaluation			Criteria for Approval (Sec.2.5.1.4)
Consistent	Inconsistent	Neutral	
<u>X</u>			<p>Whether the proposed zoning map amendment implements the policies of the adopted Comprehensive Plan and preferred scenario map <i>Medium Intensity Zones are intended for residential and commercial growth.</i></p>
		<u>N/A</u>	<p>Whether the proposed zoning map amendment is consistent with any adopted small area plan or neighborhood character study for the area <i>Studies were not complete at the time of this request.</i></p>
		<u>N/A</u>	<p>Whether the proposed zoning map amendment implements the policies of any applicable plan adopted by City Council</p>
		<u>N/A</u>	<p>Whether the proposed zoning map amendment is consistent with any applicable development agreement in effect</p>
<u>X</u>			<p>Whether the uses permitted by the proposed change in zoning district classification and the standards applicable to such uses shall be appropriate in the immediate area of the land to be reclassified <i>The property is located adjacent to an apartment complex, office and retail, as well as appliance supply and repair facilities. These are an appropriate mix of uses within the CD-4 zoning district.</i></p>
<u>X</u>			<p>Whether the proposed zoning will reinforce the existing or planned character of the area</p>
	<u>X</u>		<p>Whether the site is appropriate for the development allowed in the proposed district <i>A variance of 3 feet will be necessary, however, the building types allowed within the proposed district are appropriate.</i></p>
		<u>N/A</u>	<p>Whether there are substantial reasons why the property cannot be used according to the existing zoning</p>
<u>X</u>			<p>Whether there is a need for the proposed use at the proposed location <i>The Comprehensive Plan identifies this area for residential growth.</i></p>
<u>X</u>			<p>Whether the City and other service providers will be able to provide sufficient public facilities and services including schools, roads, recreation facilities, wastewater treatment, water supply and stormwater facilities, public safety, and emergency services, while maintaining sufficient levels of service to existing development</p>
<u>X</u>			<p>Whether the proposed rezoning will have a significant adverse impact on property in the vicinity of the subject property</p>

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Consistent	Inconsistent	Neutral	
		<u>N/A</u>	For requests to a Neighborhood Density District, whether the proposed amendment complies with the compatibility of uses and density in Section 4.1.2.5
<u>X</u>			<p>The impact the proposed amendment has with regard to the natural environment, including the quality and quantity of water and other natural resources, flooding, and wildlife management</p> <p><i>A portion of the property is located within the Purgatory Creek Watershed and will be required to comply with the Development Code's environmental regulations.</i></p>
		<u>X</u>	Any other factors which shall substantially affect the public health, safety, morals, or general welfare